THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20665 OF 2005

DATED:22.9.2005

Between:

S. Padma Reddy and another

…Petitioners

And

The Government of A.P., through its

Secretary (Land Acquisition), Secretariat Building,

Hyderabad and another

…Respondents

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ORDER:

The petitioners are allegedly successors in title of one S. Srinivas Reddy. According to the petitioners, Srinivasa Reddy and his two brothers purchased the land admeasuring Ac.2.04 guntas in S.No.371 of Gowdavalli Village, Medchal Mandal of Ranga Reddy District under unregistered sale deed dt.15.5.1962 pursuant to a certificate issued by Tahsildar, Medchal under Sections 47 and 48 of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950. They are aggrieved by the notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) by the second respondent proposing to acquire an extent of Acs.57.09

guntas in S.Nos.250 to 252, 255, 257, 260, 261, 368, 369 to 371, 378, 379, 381, 383, to 387, 392 to 398, 401, and 522 to 524 of Gowdavelli Village for formation of outer ring road. By the said notification, Special Deputy Collector (Land Acquisition) Unit-IV of Hyderabad Urban Development Authority was appointed as Collector to perform the functions under Section 5A of the Act. It is the case of the petitioners that though they are owners of the land and in possession of the property, the respondents are proceeding with the land acquisition without giving any notice to petitioners.

Learned counsel appearing for Project Director (Outer Ring Road), submits that notification under Section 4(1) of the Act refers to names of persons whose names are found in the revenue records and as there was no proper mutation of petitioners' names, or name of their predecessor in title, their names are not mentioned. He also submits that mere wrong mention or non-mention of the names of the owners in the notification under Section 4(1) of the Act does not vitiate the land acquisition proceedings. He, however, does not deny that the petitioners claiming to be owners of the land in S.No.371 have right to participate in the enquiry under Section 5A of the Act and also in the award enquiry, that might be conducted by Land Acquisition Officer.

Therefore, the Writ Petition is disposed of giving liberty to the petitioners to approach the third respondent and file objections under Section 5A of the Act, if not already filed. Third respondent shall consider the same along with objections of other owners and submit appropriate report to the authorities before issue of declaration under Section 6 of the Act. It shall be open to petitioners to produce necessary material before third respondent.

The Writ Petition with the above observations and directions is disposed of. No costs.

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(V.V.S.RAO, J)

22.9.2005

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